

Growlers State By State

Only three states prohibit *brewpubs* from selling growlers.

- In Alabama, a growler is interpreted as draft beer, not as a container or a keg.
(A growler is equivalent to a pitcher & cannot be removed from the premises)
- In Florida, brewpubs can only sell beer for on premises consumption.
(4/30/14 – FL legislature approves the sale of growlers)
- In Georgia, growlers may only be sold by those holding a retail license.
(Grocery & liquor stores can sell growlers, but local brewers cannot)

Only six states prohibit *manufacturing breweries* from selling growlers.
AL, GA, MS, NV, OK & TX

Only thirteen states have adopted laws regarding the sale of growlers.

New Mexico allows both brewpubs and manufacturing breweries to sell growlers as an administrative ruling. See the attached letter dated Jan 27th 2011.

Rapid growth in the popularity of growlers among consumers has prompted NMBG to seek statutory language that defines a growler as acceptable packaging for the sale of beer to consumers for off-premises consumption.

Examples of growler laws and definitions

D.C. Code § 25-101. (24B) – Washington DC: A "Growler" means a reusable container that is capable of holding up to 64 fluid ounces of beer and is designed to be filled and sealed on premises for consumption off premises.

HRS § 281-31 (n) (5) – Hawaii: Brewers may sell malt beverages manufactured on the licensee's premises to consumers in brewery-sealed kegs and growlers for off-premises consumption.

MIS § 537-11 (b) – Michigan: a "Growler" means any clean, refillable, resealable container that is exclusively intended, and used only, for the sale of beer for consumption off the premises and that has a liquid capacity that does not exceed 1 gallon.

04 NCAC 02T .0308 GROWLERS. North Carolina - As used in this Rule, a growler is a refillable rigid glass, plastic, aluminum or stainless steel container with a flip-top or screw-on lid that is no larger than 2 liters into which a malt beverage is prefilled, filled or refilled for off-premises consumption.



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January 27, 2011

LIQUOR LICENSE HOLDERS

RE: Growlers

The Alcohol and Gaming Division has recently been receiving inquiries as to the legality of license holders selling and serving growlers of beer. As Director of the Alcohol and Gaming Division, it is my opinion that the sale of growlers by **Small Brewer** license holders is permissible when the zoning of the location permits off-premises sales. Small Brewer licensees are authorized pursuant to Section 60-6A-26.1 B NMSA 1978 to produce, package, label and bottle beer. Small Brewers are also authorized to sell beer of their own production or the beers produced by other licensed New Mexico Small Brewers for consumption on or off their licensed premises. No other license types are authorized to sell growlers for off-premise consumption.

Growlers must be sealed with tamper proof tape and/or placed into a tamper proof bag prior to leaving the establishment. It is illegal under New Mexico law to have an open container of an alcoholic beverage in a motor vehicle.

If you have questions or require further information, please contact me at (505) 476-4550 or via e-mail at steven.reinhart@state.nm.us.

Sincerely,

Steven A. Reinhart, Director
Alcohol and Gaming Division

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